

295-16-.01 Federal Student Loan Default.

- (1) A person holding a current license issued by a professional licensing board as defined in O.C.G.A. § 43-1-1(3) may have his/her license indefinitely suspended if he/she is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.
- (2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the professional licensing board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:
 - (a) The professional licensing board's intended action to suspend the license;
 - (b) The licensee's right to request an appearance before the professional licensing board;
 - (c) Notification that the request for an appearance must be in writing and must be received by the board within thirty days of service of notice; and
 - (d) The address and telephone number of the board.
- (3) If the licensee does not request an appearance before the professional licensing board within thirty (30) days, the licensee waives the right for an appearance before the professional licensing board and the license will be suspended.
- (4) If a request to appear is timely received by the professional licensing board, the suspension of the license shall be stayed pending the licensee's appearance before the professional licensing board.
- (5) Upon receipt of the request for an appearance before the professional licensing board, the professional licensing board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:
 - (a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;
 - (b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;
 - (c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.
- (6) Within fourteen (14) working days after the licensee's appearance before the professional licensing board, the board will issue its decision. The board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.

- (7) If the license is suspended, the licensee may not practice during the period of suspension.
- (8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:
 - (a) Request in writing to the professional licensing board that the suspension be lifted;
 - (b) Provide the professional licensing board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;
 - 1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.
 - (c) Demonstrate to the satisfaction of the professional licensing board that the license has been timely renewed and, other than the suspension provided by this rule, is otherwise in good standing; and
 - (d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.
- (9) Upon compliance with paragraph (8), the professional licensing board shall lift the suspension on the license; however, the professional licensing board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.
- (10) If the licensee fails to timely renew his license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the professional licensing board. The person who held the lapsed suspended license must comply with the professional licensing board's rules for reinstatement, pay any reinstatement fee, and provide the professional licensing board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the professional licensing board whether to reinstate the license.

Authority O.C.G.A. §§ 43-1-29, 43-1-19, and 50-31-3.